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April 26, 2007

**TO:** All Interested Parties  
**FROM:** Jim Farrell, State Personnel Director  
**SUBJECT:** Clarification to SPDOC 07-04 – Temporary Layoffs

Since publication of SPDOC 07-04 and the accompanying rule change in regard to Temporary Layoffs for Non-exclusively represented employees, we have had a considerable number of employees express concern and raise legitimate questions. We appreciate the input from interested employees and would like to take this opportunity to clarify some of the issues and answer questions most frequently raised.

All of us are aware that the State is under severe financial pressures and that the Governor and the legislature are working diligently to resolve this issue. While we are all hoping for the best, it is only prudent that we have contingency plans in place in the event that the budget is not fully resolved. As a part of this contingency preparation, the Governor has asked all departments to put plans together. Departments' plans may include the use of temporary layoffs.

Collective bargaining agreements covering exclusively represented employees already contain specific provisions covering temporary layoffs. However, while the Civil Service Commission Rules for Non Exclusively Represented Employees (NERES) do not prohibit temporary layoffs, there is no specific mechanism providing clarification to a department on what constitutes a temporary layoff and how one would be implemented. It was this gap which served as the impetus for developing this proposed rule.

The proposed rule does not mean that temporary layoffs will occur or that they will be for a specific number of days. The Civil Service department does not have the authority to mandate layoffs in other state departments; that is the purview of each departmental appointing authority. The proposed rule merely provides appointing authorities with a structure and process to deal with this fiscal situation in the event they determine temporary staff reductions are necessary.

Concern and questions were also expressed regarding the impact on employees' retirement credit should the proposed rule be invoked by a departmental appointing authority. The rule states that temporary layoff time is considered creditable time for all purposes including retirement if authorized by statute. The retirement statute currently states, "Full service credit shall also be given to an employee for . . . required and designated temporary layoffs . . . ."

Please be assured that comments on the proposed rule will be shared with the Commissioners. The Commissioners will consider these comments and those provided at the upcoming Civil Service Commission meeting prior to making a decision on the proposed rule. Thank you.